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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Steven T. Kanefsky; Michael Kocheisen;

Confirmation No.: 3923

David P. Kormann and Bernard S. Renger

Application No.: 09/801,635

Group Art Unit: 2144

Filing Date: March 9, 2001

Examiner: Nguyen, Thanh T.

For: Method And Apparatus For Sharing Wireless Content

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF PURSUANT TO 37 CFR § 41.41

Transmitted herewith in triplicate is the REPLY BRIEF in this application with respect to the Examiner's Answer dated **December 19, 2006**.

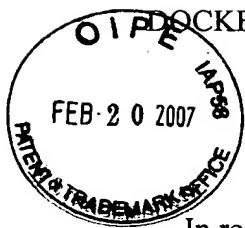
If any fee is required, please charge Deposit Account No. 23-3050. A duplicate of this transmittal is attached.

Respectfully submitted,

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Sir:

APPELLANT'S REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

This Reply Brief is being filed in support of Appellant's appeal from the rejections of claims 1-42 dated July 27, 2005 and the Examiner's Answer Dated December 19, 2006. The Notice of Appeal in this matter was filed on December 22, 2005.

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I. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 42 claims pending in the application.

B. Current Status of Claims

1. Claims canceled: None.
2. Claims withdrawn from consideration but not canceled: None.
3. Claims pending: 1-42.
4. Claims allowed: None.
5. Claims rejected: 1-42.

C. Claims on Appeal

The claims on appeal are claims 1-42.

II. GROUNDS OF REJECTION TO BE REVIEWED UPON APPEAL

A. Claim Rejections - 35 USC § 102

Claim 19 was rejected under 35 U.S.C. 102(e) as being anticipated by Nykanen. (USPN 6,661,784, December 9, 2003, Petri Nykanen.). The Examiner argued that Nykanen teaches a method for transmitting content from a “WAp/i-mode-enabled device comprising the steps of receiving a command from a WAp/i-mode-enabled device for transmission of a first URL that is accessed by the device (col.8, lines 10-15, col. 12, lines 25-31); receiving a destination address for transmission of the first URL (col.8, lines 16-20, after receive the request and presented to user); generating a message including an indication of a second URL (col.8, lines 10-15, col. 12, lines 25-31), wherein the first URL and the second URL are identical, and transmitting the message to the destination address (col.8, lines 16-20).”

B. Claim Rejections - 35 USC § 103

The Examiner rejected claims 1 and 2 as unpatentable under 35 USC § 103(a) over Nykanen, in view of Darago (USPN 6,170,014, January 2, 2001, Darago et al.). The Examiner asserted that Darago teaches that a message can be used to access the content by the second device associated with the destination address (see col.2, lines 59-67, col.6, lines 60-67, and col.10, lines 26-38). The Examiner contends that it “would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Darago into the computer system of Nykanen to have the message can be used to access device associated with the destination address because it would have an utilization and convenient communications system that can use or enjoy something in one possesses.”

The Examiner also rejected claims 3-8, 15-18 and 20-29 as unpatentable under 35 USC § 103(a) over Nykanen, in view of Darago.

The examiner rejected claims 9-14 as unpatentable under 35 USC § 103(a) over Nykanen, in view of Darago, further in view of Osaku (U.S. Patent No. 6,061,738, May 9, 2000, Osaku et al.) The Examiner contends that Osaku teaches the concept of caching the URL.

III. ARGUMENTS

In the Examiner's Answer, the Examiner argues that Appellant's arguments are vague. Appellant disagrees, but to provide more precision at the expense of length, the Appellant has selected exemplar claims and compares the disclosure of the cited references with the claim elements. We submit that the cited references do not anticipate or render obvious the claimed inventions.

A. The Teachings of Nykanen and the Elements recited in Claim 19

The Examiner disagrees with Appellant's argument that Nykanen does not teach every element of claim 19. Below is a tabular summary of claim 19 compared with excerpts from the Nykanen reference that the Examiner alleges disclose the element in the claim.

| Claim 19 Element | Asserted Nykanen Disclosure | Appellant's Comment |
|---|---|---|
| receiving a command from a WAP/i-mode-enabled device for transmission of a first URL that is accessed by the device | For retrieving information via the communication network, the communication device needs a WML browser and a HTTP WWW server coupled to the communication network, whereby the browser transmits a request to the selected server for retrieving the desired information, which is identified with the URL address. This information is given e.g. in the WML language which can be compared with the HTML language. After obtaining the information, it is possibly subjected to WML/HTML conversion and presented to the user by means of the application used. Usually, also the URL addresses stored in the URL register of the communication device can refer to local services, such as TeleVAS functions of the device itself, or to remote services, such as information of a server in the WML form. The URL register of the device contains advantageously a collection of URL addresses of known services. (Col 8, lines 9-15) | <p>The Nykanen reference describes the typical methodology for accessing a web site. The browser transmits a request to a server to transmit back to the browser information from a URL.</p> <p>The element in applicant's claim is directed to receiving a command for transmission of a URL from a device. <u>The first element of Claim 19 is not disclosed by Nykanen.</u></p> |
| receiving a destination address for transmission of the first URL; | After obtaining the information, it is possibly subjected to WML/HTML conversion and presented to the user by means of the application used. Usually, also the URL addresses stored in the URL register of the communication device can refer to local services, such as TeleVAS functions of the device itself, or to remote services, such as information of a server in the WML form. (Col. 8 lines 16-20) | <p>Nykanen describes how the browser receives the information and presents it to the user.</p> <p>Applicant's claim element is directed to receiving a destination address for the transmission of the first URL (e.g. another WAP/i-mode enabled device). <u>The second element of claim 19 is not disclosed by Nykanen.</u></p> |

| Claim 19 Element | Asserted Nykanen Disclosure | Appellant's Comment |
|---|---|--|
| generating a message including an indication of a second URL, a file associated with the second URL including a modified version of the content corresponding to the first URL; and | <p>For retrieving information via the communication network, the communication device needs a WML browser and a HTTP WWW server coupled to the communication network, whereby the browser transmits a request to the selected server for retrieving the desired information, which is identified with the URL address. This information is given e.g. in the WML language which can be compared with the HTML language. (Col 8, lines 9-15)</p> <p>...</p> <p>If the WAP server system 300b has a standardised Internet address, such as a domain name, this address will be used. The application of the WAP client 300a can automatically retrieve the home page of the WAP server 300b to the user of the device of the WAP client 300a, or it confirms a search request from the user. If necessary, the user can select the WAP server to be used, such as 300b and 400, if several servers are available in the piconet 5. The functions depend also on the WAP application used, and the WAP client 300a is not expected to act in any predetermined way, e.g. for using services of the WAP applications of the servers 300b and 400. (Col. 12 Lines 25-31)</p> | <p>Nykanen makes no mention of two URLs. Rather the quoted language from Nykanen refers to the methodology inherent in accessing a home page. <u>The third element of claim 19 is not disclosed by Nykanen.</u></p> |

| Claim 19 Element | Asserted Nykanen Disclosure | Appellant's Comment |
|---|---|---|
| transmitting the message to the destination address | The WTP transport protocol comprises a WTP/T protocol which is intended primarily for connection-oriented data transmission, and a WTP/D protocol which is intended primarily for the transfer of datagrams, i.e. data packets containing the destination address and the information to be transmitted. (Col 8, lines 59-64) | Nykanen does not disclose the transmission of a message that includes an indication of a second URL, a file associated with the second URL including a modified version of the content corresponding to the first URL <u>The fourth element of claim 19 is not disclosed by Nykanen.</u> |

Based on the specific side by side comparison above, it is clear that Nykanen does not teach every element of claim 19.

B. The Combination of Nykanen with Darago

As stated in Appellant's Brief, Darago is directed to computer architecture for managing courseware in a shared use operating environment. Darago explains that "the present invention is concerned with network-based courseware delivery systems."¹ Darago further explains that "the architecture of the present invention provides improved security, efficiency, and convenience for the management of courseware or other content in a shared operating environment such as a network or a collection of loosely coupled networks."²

For example, the system of Darago is implemented as a networked courseware delivery system that provides a content server which may contain courseware and other managed content that can be accessed by users (such as students) of the system.³ In order to provide this capability, the system "operates in a network containing a registration server, a content server connected to the registration server, and several client workstations connected to the content server."⁴ Users may then register with the system via the registration server. The content server then authenticates users. After authentication, the content server provides content to the user at a client workstation.⁵ Darago does not discuss mobile or cellular phones.

Claim 1 is directed to a method for transmitting content, or information related to the content, from a first WAP/i-mode-enabled device to a second WAP/i-mode-enabled device. The following elements are recited in the claim.

¹ Darago, column 2, lines 55-56.

² Id., column 6, lines 60-63.

³ Id., Figures 3-4.

⁴ Id., column 6, lines 1-4.

⁵ Id., column 6, lines 1-14 and Figure 1.

| Claim 1 Element | Asserted Nykanen and Darago Disclosure | Appellant's Comments |
|---|---|--|
| receiving a command from a first WAP/i-mode-enabled device for transmission of a first URL that is accessed by the first device, wherein the first device has received content associated by the first URL; | <p>For retrieving information via the communication network, the communication device needs a WML browser and a HTTP WWW server coupled to the communication network, whereby the browser transmits a request to the selected server for retrieving the desired information, which is identified with the URL address. This information is given e.g. in the WML language which can be compared with the HTML language. (Nykanen, Col 8, lines 9-15)</p> <p>...</p> <p>If the WAP server system 300b has a standardised Internet address, such as a domain name, this address will be used. The application of the WAP client 300a can automatically retrieve the home page of the WAP server 300b to the user of the device of the WAP client 300a, or it confirms a search request from the user. If necessary, the user can select the WAP server to be used, such as 300b and 400, if several servers are available in the piconet 5. The functions depend also on the WAP application used, and the WAP client 300a is not expected to act in any predetermined way, e.g. for using services of the WAP applications of the servers 300b and 400. (Nykanen, Col. 12 Lines 25-31)</p> | <p>The Nykanen reference language asserted by the Examiner makes no reference to a command to transmit the URL accessed by the first device. <u>This element is not disclosed by either Nykanen nor Darago.</u></p> |
| receiving a destination address for transmission of the first URL, wherein the destination address is associated with the second device; | <p>After obtaining the information, it is possibly subjected to WML/HTML conversion and presented to the user by means of the application used. Usually, also the URL addresses stored in the URL register of the communication device can refer to local services, such as TeleVAS functions of the device itself, or to remote services, such as information of a server in the WML form. (Nykanen, Col. 8 lines 16-20),</p> | <p>There is mention in the asserted language from Nykanen to receiving a destination address for the transmission of the first URL. <u>This element is not disclosed by either Nykanen nor Darago.</u></p> |

| Claim 1 Element | Asserted Nykanen and Darago Disclosure | Appellant's Comments |
|---|---|--|
| generating a message including an indication of the second URL, wherein the second URL corresponds to the content received by the first device; and | <p>For retrieving information via the communication network, the communication device needs a WML browser and a HTTP WWW server coupled to the communication network, whereby the browser transmits a request to the selected server for retrieving the desired information, which is identified with the URL address. This information is given e.g. in the WML language which can be compared with the HTML language. (Nykanen, Col 8, lines 9-15)</p> <p>...</p> <p>If the WAP server system 300b has a standardised Internet address, such as a domain name, this address will be used. The application of the WAP client 300a can automatically retrieve the home page of the WAP server 300b to the user of the device of the WAP client 300a, or it confirms a search request from the user. If necessary, the user can select the WAP server to be used, such as 300b and 400, if several servers are available in the piconet 5. The functions depend also on the WAP application used, and the WAP client 300a is not expected to act in any predetermined way, e.g. for using services of the WAP applications of the servers 300b and 400. (Nykanen, Col. 12 Lines 25-31)</p> | <p>Neither Nykanen nor Darago mention a second URL corresponding to the content received by the first device.</p> <p><u>This element is not disclosed by either Nykanen nor Darago.</u></p> |

| Claim 1 Element | Asserted Nykanen and Darago Disclosure | Appellant's Comments |
|---|---|---|
| <p>transmitting the message to the destination address, wherein the message can be used to access the content by the second device associated with the destination address.</p> | <p>After obtaining the information, it is possibly subjected to WML/HTML conversion and presented to the user by means of the application used. Usually, also the URL addresses stored in the URL register of the communication device can refer to local services, such as TeleVAS functions of the device itself, or to remote services, such as information of a server in the WML form. (Nykanen, Col. 8 lines 16-20).</p> <p>...</p> <p>Networked courseware delivery systems may share content between multiple users synchronously or asynchronously. With synchronous sharing, users and/or instructors exchange information in a real-time or interactive way. Examples of synchronous sharing include telephone conversations, video conferencing, and chat rooms. By contrast, asynchronous sharing involves an exchange of information in which the participants expect substantial delays, or they involve a one-way flow of information rather than an exchange. (Darago, Col. 2, line 59-Col 3, line 1.)</p> <p>...</p> <p>In short, the architecture of the present invention provides improved security, efficiency, and convenience for the management of courseware or other content in a shared operating environment such as a network or a collection of loosely coupled networks. For instance, additional security is provided by separating registration information from content, by identifying and treating critical portions, and by monitoring the connection over which content is supplied to a client. (Darago, Col 6, line 60 – Col 7, line 1)</p> <p>...</p> <p>One example of a network 200 suitable for a metered security relationship is a network holding several thousand machine readable courses. A conventional approach charging one fee for unlimited use of each machine readable course by a single personal computer 114 or a single location (e.g., a corporation or agency) would be prohibitively</p> | <p>The portions of the Nykanen and Darago disclosure asserted by the examiner are not directed to the transmission of a message including an indication of the second URL. There is nothing in the asserted disclosures that enable the use of the message to access the content by the second device. <u>This element is not disclosed or suggested by the combination of Nykanen and Darago.</u></p> |

| | | |
|--|---|--|
| | <p>expensive. In an embodiment according to the invention, the secured courseware or other content can be shared by various users, and each minute of use is counted and billed to the user or to the sponsor of the user (e.g., the corporation or agency employing the user). Unlimited use is not required, and the license fee is reduced accordingly.</p> <p>(Darago, Col 10, lines 26-38)</p> | |
|--|---|--|

The Examiner has failed to make a *prima facie* case of obviousness.

C. The Combination of Nykanen with Osaku

The Examiner disagrees with Appellant's statement that there is no suggestion or motivation to modify the teachings of Nykanen with the teachings of Osaku. As stated in Appellant's Brief, Osaku is directed to a method and system that enables a user to access information on a network by using message aliasing functions having shadow callback functions. There is no disclosure, teaching, suggestion or motivation to combine the methods disclosed in Osaku with the methods disclosed in Nykanen. Even if such motivation existed, the combination of the references fails to teach one of ordinary skill in the art to practice the methodology of the claimed elements to derive a method for transmitting content, or information related to the content, from a first WAP/i-mode-enabled device to a second WAP/i-mode-enabled device.

- (1) receiving a command from a first WAP/i-mode-enabled device for transmission of a first URL ...
- (2) receiving a destination address for transmission of the first URL
- (3) generating a message including an indication of the second URL, wherein the second URL corresponds to the content received by the first device ...

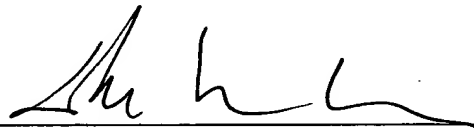
All of the teachings of Osaku are directed to how a client interacts with a server. Applicant's inventions are directed to methods of interaction of two WAP/i-mode-enabled devices as enabled by a server. Nothing in the Osaku reference hints at a solution to the problem of sending content accessed by a WAP/i-mode-enabled device to another WAP/i-mode-enabled device.

| Claim 9 Element | Asserted Nykanen, Darago and Osaku Disclosure | Appellant's Comments |
|---|---|---|
| The method of claim 1 wherein the content corresponding to the first URL is cached. | If a correspondence relation matching the key 142 is located on the cache 134, the client search engine returns a corresponding URL 144, which in the present example we assume is URL2. Having found a corresponding URL within the client cache 134, the client 128 uses the URL2 to form a network access command 146 <http://URL2/> which is addressed to a network resource having a copy of a network file corresponding to the simplified network address input by the user. The addressed network resource (not shown) returns the desired network file, in this example a HTML page 148. (Osaku, Col 9, lines 28-39) | In Osaku, the cache 134 is a client cache. That is not the case in Appellant's invention. |

It is respectfully submitted that the Examiner has failed to meet the burden of establishing lack of novelty or a prima facie case of obviousness.

The Commissioner is hereby authorized to charge any additional required payments or credit overpayment to Deposit Account No. 23-3050.

Respectfully submitted,



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